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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/724,243	11/28/2000	Michael G. Porto	13854	5309

7590 04/26/2002

Scully, Scott, Murphy & Presser
400 Garden City Plaza
Garden City, NY 11530

EXAMINER

LAYNO, BENJAMIN

ART UNIT	PAPER NUMBER
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3711

DATE MAILED: 04/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

70

Office Action Summary	Application No.		Applicant(s)	
	09/724,243		PORTO, MICHAEL G.	
	Examiner		Art Unit	
		Benjamin H. Layno	3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14, 16, 18, 19, 24 and 25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8, 11-14, 16, 24 and 25 is/are rejected.
- 7) ☒ Claim(s) 6, 7, 9, 10, 18 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's arguments filed 3/12/02 have been fully considered but they are not persuasive.

Claim Rejections - 35 USC § 102

2. Claims 1, 2 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Kent. The Applicant is referred to the first Office action paper no. 2.

3. The Applicant has argued that Kent's embodiment in Fig. 6 "neither discloses nor suggests a combination craps/roulette game nor displaying craps bets on the game surface. The bets displayed on the game surface of Kent are roulette bets..... Kent makes no mention of craps at all".

4. The Examiner takes the position that the indicia on the sides of Kent's gaming table 21, Fig. 6, entitled "WIN CORRECT ODDS 5:1" and "PLACE CORRECT ODDS 2:1" each having the numbers 1-6, display bets for **roulette**. The indicia in the middle of Kent's gaming table entitled "FORECAST - CORRECT ORDER CORRECT ODDS 29:1" having combination of dice rolls "1 & 2" - "6 & 5" display bets similar to **craps**, wherein craps tables traditionally have betting areas having combination of dice rolls.

Claim Rejections - 35 USC § 103

5. Claims 3, 5, 8, 13 and 14 rejected under 35 U.S.C. 103(a) as being unpatentable over Kent as applied to claim 1 above, and further in view of Carlson. The Applicant is referred to the first Office action.

6. The Applicant has argued against the Carlson reference individually by stating that Carlson "merely shows a craps game in which the dice are replaced by a wheel

Art Unit: 3711

having the combination of a pair of dice. Carlson does not disclose or suggest a combination craps/roulette game or a game surface having indicia displayed thereon for both craps and roulette". The Examiner cited Carlson because it teaches that it is known to include all the possible combinations of faces of a pair of dice on the slots of a roulette wheel. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

7. Claims 4, 12 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kent in view of Carlson as applied to claim 1 above, and further in view of Hinterstocker. The Applicant is referred to the first Office action.

8. The Applicant has argued against the Hinterstocker reference individually by stating that Hinterstocker "discloses an electronic roulette game. Hinterstocker neither discloses nor suggest a combination roulette and craps game. The Examiner cited Hinterstocker because it teaches that it is known in the roulette gaming art to make the game of roulette electronic. See court decisions above.

9. Claims 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kent in view of Hinterstocker. The Applicant is referred to Kent in the first Office action. Hinterstocker teaches that it is known in the roulette gaming art to make the game of roulette electronic by providing electronic representation of a game surface having indicia thereon for displaying bets 24, and providing electronic representation of a

Art Unit: 3711

roulette wheel 22. In view of such teaching, it would have been obvious to make Kent's roulette/craps game electronic in order for the game to be attractive to video game players.

Allowable Subject Matter

10. Claims 6, 7, 9, 10, 18 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

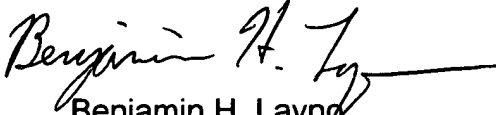
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin H. Layno whose telephone number is (703) 308-1815. The examiner can normally be reached on Monday-Friday, 1st Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Sewell can be reached on (703) 308-2126. The fax phone numbers

Art Unit: 3711

for the organization where this application or proceeding is assigned are (703) 305-3579 for regular communications and (703) 305-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.


Benjamin H. Layno
Primary Examiner
Art Unit 3711

bhl
April 25, 2002